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# Testimony to the Senate Committee on Families, Seniors and Human Services

July 18, 2012

## Introduction

Chairman Emmons and members of the committee, my name is Judith Lincoln and I am a policy analyst with the Center for Civil Justice (CCJ), a non-profit organization with offices in Flint and Saginaw. We provide a variety of services to low-income people and their advocates in a 14-county region of mid-Michigan and the Thumb. We regularly meet with and work closely with many non-profit human services providers, including faith-based and community-based organizations and a myriad of other agencies that work to assist parents who are trying hard to maximize their potential for self-sufficiency. These agencies also work to fill the gaps when low income families lack the resources to make ends meet.

I am testifying today in opposition to this bill (Senate version of HB 5223) which creates a suspicion-based drug test for applicants and recipients of cash assistance. Michigan's attempt to enact random drug testing for cash assistance recipients in 1999 was determined by the Courts to be invalid.

## Validity of Screening Tool for Suspicion-Based Drug Testing

The current legislation is written to be based on a reasonable suspicion. Yet, in addition to an "empirically validated substance abuse screening tool", HB5223 allows the option of using a DHS developed substance abuse survey. Many highly reliable substance abuse screening tools exist that are proven to yield dependable results before people are required to submit to drug testing. It is very troubling that an option under HB5223 is a DHS developed survey that will not have the high level of scrutiny that empirically validated substance abuse screening tools have.



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Probability is high that the DHS-developed substance abuse survey, which will not have been subjected to scientific scrutiny and is not defined or described in any way in the bill, will result in drug testing that is not based on legitimate reasonable suspicion but is closer to the court-invalidated random drug testing approach.

### **Imposition of Cost of Drug Testing on FIP Recipient**

CCJ also opposes the concept of applicants or recipients whose drug tests are negative bearing the cost of the test. This is especially so in light of the possibility that a DHS developed survey, not validated by any professional or scientific methods, is the tool used by DHS staff to determine that reasonable suspicion exists and to require a drug test. Even if an empirically validated substance abuse screen tool is used to determine reasonable suspicion, the cost of a test that yields a negative result is significant to a recipient household. Recipients are already challenged to make ends meet and the expense of a drug test deducted from the next benefit payment would create hardship of those who are following the rules and testing negative.

### **Ineligibility for FIP Benefit While Seeking Substance Abuse Treatment is Unreasonable**

The ability of a person with positive drug test results to seek substance abuse treatment is an admirable concept. However, ineligibility for FIP while participating in such treatment creates even more challenges to successful completion of the program. People who enroll in such programs are demonstrating a willingness to get off drugs. A minimum 90 days of ineligibility, coupled with expense of any future drug tests, creates a barrier that could be insurmountable to many.

Thank you for the opportunity to testify. I will be glad to answer any questions you may have. I can be reached at [jlincoln@ccj-mi.org](mailto:jlincoln@ccj-mi.org).